

BUSINESS REPORT
MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION
SENATE JUDICIARY COMMITTEE

Date: Monday, February 4, 2013
Place: Capitol

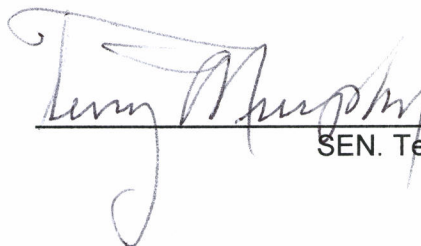
Time: 9:00 AM
Room: 303

BILLS and RESOLUTIONS HEARD:

SB 213 - Revise sex offender registration laws - Sen. Cliff Larsen

EXECUTIVE ACTION TAKEN:

Comments:



SEN. Terry Murphy, Chair

MONTANA STATE SENATE

2013 JUDICIARY COMMITTEE

ROLL CALL

DATE: 2/4/13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN, SENATOR TERRY MURPHY	—	
VICE CHAIRMAN, SENATOR SCOTT SALES	—	
SENATOR SHANNON AUGARE	—	
SENATOR ANDERS BLEWETT	—	
SENATOR SCOTT BOULANGER	—	
SENATOR JOHN BRENDEN		—
SENATOR ROBYN DRISCOLL	—	
SENATOR JENNIFER FIELDER	—	
SENATOR LARRY JENT		—
SENATOR CLIFF LARSEN	—	
SENATOR CHAS VINCENT		—
SENATOR ART WITTICH		—

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Monday, February 4, 2013

SB 213 - Revise sex offender registration laws

Sponsor: Sen. Cliff Larsen

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Schindler, Pam

From: Breen, Cynthia
Sent: Sunday, February 03, 2013 6:23 PM
To: 'blewettformontana@gmail.com'
Cc: Schindler, Pam
Subject: SB 112, Letter of Support, Montana Board of Athletic Trainers

Dear Senator Blewett,

My name is Cyndi Breen Reichenbach, I am the Executive Officer for the Montana Board of Athletic Trainers.

Please respectfully receive the attached testimony in support of SB112, establishing youth concussion protection laws.

The message comes from the Board of Athletic Trainers.

Thank you for your time and attentions.



SB 112

Testimony.docx

Cyndi Reichenbach, Executive Officer
Department of Labor & Industry
Licensed Addiction Counselors Program
Private Alternative Adolescent Residential or Outdoor Programs
Social Work Examiners, Professional Counselors & Marriage & Family Therapists
Athletic Trainers
Speech-Language Pathologist & Audiologist
301 South Park, 4th Floor,
PO Box 200513
Helena, MT. 59620-0513
Phone: (406) 841-2392
Fax: (406) 841- 2305
E-Mail: cbreen@mt.gov
Web pages:
www.swpc.mt.gov
www.lac.mt.gov
www.paarp.mt.gov
www.athletictrainers.mt.gov
www.slpaud.mt.gov



Montana Department of
LABOR & INDUSTRY

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SB 112

Board of Athletic Trainers

Testimony

Senate Judiciary Committee

My name is Chris Heard and I am writing this letter in support for SB 112 on behalf of the Montana Board of Athletic Trainers. I am a Licensed Athletic Trainer, # 4 and have been licensed since 2008. I am also the Chairman of the Board and we have decided as a group that supporting SB 112 is in the best interest of protecting the athletes of Montana.

The Board of Athletic Trainers primary responsibility and obligation is to protect the public in Montana. The Board feels that although this bill is not perfect, it is still a good bill that will help protect some of the youth athletes in Montana. The Board feels the bill would be even better if SB 112 included all athletes, not just those involved in school or school district sanctioned athletics. This limitation in the bill still leaves a large portion of our youth athletic participants unprotected. Such sports as little guy football, youth soccer leagues and little league baseball will not receive protection under this bill. Also we would like to see all athletes in Montana receive this protection including the university or college level athlete. However with that said, the Board still feels that even if the above provisions are not added to SB 112 it is still a very good bill that will help educate the athletic community and general public on the seriousness of concussions and the effects on our youth athletes. Our mission as a Board is to protect the public of Montana and we believe this bill helps accomplish that goal.

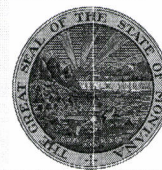
The members of the Board have reviewed the amendments to SB 112 and support them as well.

We respectfully request that you support SB 112. Please feel free to contact me with any questions or concerns.

Thank you for your time and interest.

Sincerely,

Chris J. Heard, MS, LAT
Chairman
Board of Athletic Trainers
Supervisor Rehabilitation Services
Head Athletic Trainer
St. James Healthcare
400 S. Clark
Butte, MT 59701
406-491-3197



Board Members

Licensed Athletic Trainer

Healthcare Facility Representative

Chris Heard, L.A.T. # 4

Butte • 406-491-3197

Licensed Athletic Trainer

Secondary Schools

Shawn Ruff, L.A.T. # 31

Great Falls • 406-268-6264

Licensed Athletic Trainer

Post-Secondary Schools

Brian Coble, L.A.T. # 103

Helena • 406-459-1515

Public Members

Robert Fletcher

Bozeman • 406-581-5614

Physician Member

Vacant

Board Office

Cyndi Breen Reichenbach, Executive Officer

Helena • 406-841-2392

Board Quick Facts

- The Board licenses and regulates athletic trainers.
- There are currently 126 active licensees.
- Since regulation was implemented in 2007, the Board has processed no complaints.
- Upon receipt of a licensure application at the Board office, it takes an average of 10 days to receive a license to practice as an athletic trainer in Montana
- The Board consists of five members. All five members are appointed by the Governor and confirmed by the Senate.
- Board members serve four year terms.
- The Board meets a minimum of two times per year.

Board Contact Information

Cyndi Breen Reichenbach
Executive Officer,
Department of Labor & Industry
301 S. Park
Helena, MT 59601
406/841-2392
cbreen@mt.gov
www.athletictrainers.mt.gov

Licensed Athletic Trainers

- As of February 1, 2013 there are 126 Licensed Athletic Trainers.
- 73 licenses were issued in 2008, 35 in 2009, 17 in 2010, 21 in 2011 and 19 in 2012.
- L.A.Ts pay \$175 for application fee for initial licensure
- Licensed Athletic Trainers renew their license every year.

*The duty of the board goes beyond licensing and regulation.
We are obligated to protect health care consumers.*

What is a State Athletic Trainer Board?

The Montana Board of Athletic Trainers' primary responsibility and obligation is to protect health care consumers through proper licensing and regulation of athletic trainers. The ability to practice as an athletic trainer is not an inherent right of an individual, but a privilege granted by the people of a state acting through their elected representatives. The public is protected from the unprofessional, improper and incompetent practice through laws and regulations. It is the duty of the Board of Athletic Trainers to regulate the practice.

Board Structure

Board membership is composed of volunteers who are charged with upholding the practice acts. Five voting members are appointed by the Governor. The occupation licensed and regulated by the Board has three representative members with the addition two members including a medical doctor and a public member of the public.

The Board is attached for administrative purposes to the Department of Labor and Industry. Funding comes from licensing fees. Any fines imposed are deposited into the general fund. Staff devoted to the Board includes licensing, legal, and an executive officer.

Licensure

Assembling a quality health care workforce to meet the needs of the public begins with licensure. Through the licensure process, the state ensures that individuals have appropriate education and training, and that they abide by recognized standards of professional conduct.

Regulation

The Board is charged with the responsibility of evaluating when a licensee's professional conduct or ability to practice as an athletic trainer warrants modification, suspension or revocation of the license to practice. The Board is designed to meet and devote time and attention, to oversee the practice by reviewing complaints from consumers, information from schools and other health care institutions, and reports from government agencies. The Board has the power to further investigate a complaint and can impose some form of discipline such as mandated continuing education or seek to restrict, suspend or revoke a license. To date, the Board has not been required to engage in this process as complaints against licensees have not been received.

SJS

ROBERT G. NATELSON
Consultant in Constitutional Law
266 ZANG STREET
LAKEWOOD, COLORADO 80228
(720) 398-8999
rgnatelson@gmail.com

January 27, 2013

Senate Judiciary Committee
Montana State Legislature
Montana State Capitol
Helena MT 59620

Dear Senators:

My name is Rob Natelson. I served as a law professor for 25 years, 23 of them at The University of Montana. Among the courses I taught were Constitutional Law, Advanced Constitutional Law, Legal History (specifically the origins of the U.S. Constitution) and First Amendment. I also have written extensively on constitutional issues, and have developed a national reputation on the subject. I am currently a Senior Fellow at three "think tanks," including the Montana Policy Institute. (I write only as an individual, however.)

Among my areas of study have been the history and law pertaining to Article V, which regulates constitutional amendments. I have authored eight articles and free-standing studies on the subject, of which six have been published and two—articles for the *Harvard Journal of Law and Public Policy* and *Florida Law Review*—for which publication is pending. Those articles, along with others I've authored can be found at <http://constitution.i2i.org>.

In the course of lobbying against SJ 5, witnesses and letter-writers have issued a number of statements about the Article V that apparently have been designed to mislead your committee. I am not speaking of mere differences of opinion, but of apparently deliberate efforts to manipulate written quotations to convey impressions contrary to what the person quoted was actually saying.

The writer of a letter to Senator Fielder, for example, suggested that I believed a convention might "run away." In fact, the point I was making was precisely the opposite. Further, the writer quoted a short passage in which I described the agency doctrine of ratification to suggest that I thought the same doctrine applied to constitutional amendments. But the writer deleted my very next

sentence, in which I had said that agency ratification and constitutional ratification were not the same thing.


More serious has been the treatment of James Madison. Using a carefully excised quotation, opponents of SJ 5 have sought to communicate the impression that Madison opposed Article V conventions. This would be strange if it were true, since Madison wrote what was essentially the final wording of Article V.

What Madison was opposing was a 1789 application from New York for an open convention that New York politicians hoped would propose approximately 30 amendments. If the full context of the quotation were given, it would be clear that Madison did not oppose the Article V convention process at all. Indeed, later in life he recommended such a convention. The details appear in one of my articles, which you can access at <http://constitution.i2i.org/articles-books-on-the-constitution-by-rob-natelson/natelson-james-madison/>.

It is good for the legislative process for citizens to express varying opinions. But it also is critical to the integrity of that process that people communicating with their Senators and Representatives be truthful on matters of fact. This has not, I fear, been the case of some opponents of SJ 5.

In any event, I hope this letter may offer some assistance to you in your deliberations.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rob Natelson", with a long horizontal flourish extending to the right.

ROBERT G. NATELSON

555

7785 Alta View
Missoula, MT 59804
22 January, 2013

Montana State Legislature
Helena MT

Dear Montana State Senators and Representatives:

As a Citizen of the great State of Montana and of these United States of America, I am appalled at our elected officials' fiscal irresponsibility at the Federal level. The fact that we are currently borrowing 46 cents of every dollar spent is incomprehensible. At the rate our national debt and deficit are increasing we will never be able to pay this down, and it will pass to our children and their children. As a father this is unacceptable.

The US debt/GDP ratio is currently what Greece's was about 5 years ago, and their current situation should be a wake up call to every American.

Our US Senators and Representatives have shown no interest in balancing the Federal budget or passing a Balanced Budget Amendment, so it is time for the States to act while they still can.

For these reasons I wholeheartedly support a Balanced Budget Amendment from the States level under Article 5 of the US Constitution. For the sake of our children, and the Republic, please help make this so.

Sincerely,

Alexander Omura, M.D.

PETITION

We, the undersigned citizens of Montana, hereby petition the Legislature of Montana to adopt Senate Joint Resolution 5, a copy of which we have read, and is attached hereto as Ex. A.

	NAME	SIGNATURE	ADDRESS
1	Eden Inabnit	[Signature]	9245 Butler Cr Rd Mslc
2	Jim Brager	[Signature]	12901 Lewis & Clark Lolomt
3	Mike Rodda	[Signature]	19955 Rambling Rose
4	Wendy L. [unclear]	[Signature]	Lane Florence Mt
	1,	15	PO Box 2445 Mslc
5	Robert Auras	[Signature]	1726 DeForest. mslc mont 59802
6	Patricia Auras	[Signature]	1726 DeForest. MT. 59802
7	Erika Burleigh	[Signature]	4280 Petty Creek, MT 59820
8	DANNY L. BURLEIGH	[Signature]	11
9	Pauline Dean	[Signature]	2840 Santa Fe Cir. 59808
10	Lyn Hellegard	[Signature]	3828 Bellocrest Dr. mslc 59801
11	Evan Brown	[Signature]	12730 Lewis & Clark, Lolomt
12	Lloyd Phillips	[Signature]	5828 Miller Crk Rd Missoula, MT 59803
13	Terri Phillips	[Signature]	5828 Miller Creek Missoula 59803
14	DL Block	[Signature]	18925 Muller Rd 59834
15	Leunis Reschke	[Signature]	740 Longstaff Mslc, MT 59801
16	Bryce Rieger	[Signature]	P.O. Box 133 Clinton MT
17	Elsie Rieger	[Signature]	PO Box 133 Clinton MT
18	Ben Chandler	[Signature]	2200 Tipperary Way, Mslc, MT
19	Ray Vanderboort	[Signature]	5207 Pryor Mt. Ct. Miss. MT.
20	Shirley D. Rossiter	[Signature]	6200 Goodwin Ln 59808 Missoula

PETITION

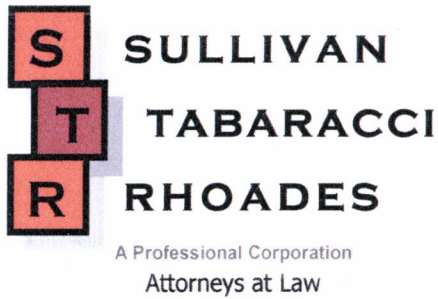
We, the undersigned citizens of Montana, hereby petition the Legislature of Montana to adopt Senate Joint Resolution 5, a copy of which we have read, and is attached hereto as Ex. A.

[illegible]

PETITION

We, the undersigned citizens of Montana, hereby petition the Legislature of Montana to adopt Senate Joint Resolution 5, a copy of which we have read, and is attached hereto as Ex. A.

[illegible]



Zane K. Sullivan*
John K. Tabaracci
Quentin M. Rhoades
Chris A. Johnson#
Nathan G. Wagner
Craig Mungas#
Robert Erickson'
Liesel Shoquist
Alison Garab

* Of Counsel
Also licensed in Washington
' Also licensed in New Mexico

January 25, 2013

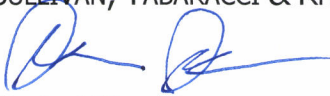
The Honorable Art Wittich
Montana Senate
P.O. Box 200500
Helena, Montana 59620-0500

Re: Senate Joint Resolution 5 Petition

Dear Senator Wittich,

Please find enclosed our Petition, respectfully submitted to the Legislature of Montana, to adopt Senate Joint Resolution 5; a copy of which resolution we have read and is attached hereto as Ex. A.

Sincerely yours,
SULLIVAN, TABARACCI & RHOADES, P.C.



Rachel Rhoades
Encl. As Stated

PETITION

We, the undersigned citizens of Montana, hereby petition the Legislature of Montana to adopt Senate Joint Resolution 5, a copy of which we have read, and is attached hereto as Ex. A.

[illegible]

PETITION

We, the undersigned citizens of Montana, hereby petition the Legislature of Montana to adopt Senate Joint Resolution 5, a copy of which we have read, and is attached hereto as Ex. A.

[illegible]

PETITION

We, the undersigned citizens of Montana, hereby petition the Legislature of Montana to adopt Senate Joint Resolution 5, a copy of which we have read, and is attached hereto as Ex. A.

[illegible]

SENATE JOINT RESOLUTION NO. 5

INTRODUCED BY A. WITTICH

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PROVIDING FOR THE APPLICATION FOR AN AMENDMENTS CONVENTION TO THE CONSTITUTION OF THE UNITED STATES TO BE CALLED FOR THE PURPOSE OF PROPOSING AN AMENDMENT THAT PROVIDES THAT AN INCREASE IN THE FEDERAL DEBT REQUIRES APPROVAL FROM A MAJORITY OF THE LEGISLATURES OF THE SEPARATE STATES.

WHEREAS, Article V of the Constitution of the United States provides authority for a convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution of the United States upon application of two-thirds of the legislatures of the several states, which is also known as an amendments convention; and

WHEREAS, the Montana Legislature favors the proposal and ratification of an amendment to the Constitution of the United States that provides that an increase in the federal debt requires approval from a majority of legislatures of the separate states.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature of the State of Montana respectfully applies for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment to the Constitution of the United States providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

BE IT FURTHER RESOLVED that the amendments convention contemplated by this application must be focused entirely upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution of the United States providing that an increase in the federal debt requires approval from a majority of the legislatures of the several states.

BE IT FURTHER RESOLVED that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention.

1 BE IT FURTHER RESOLVED that the Secretary of State forward copies of this resolution to the President
2 of the United States Senate, to the Speaker of the United States House of Representatives, to each member of
3 the Montana Congressional Delegation, and to the secretary of state for each state to forward to each state
4 legislature.

- END -